

PATENT COOPERATION TREATY

Rec'd PCT/PTO 28 SEP 2006

From the
INTERNATIONAL SEARCHING AUTHORITY

REC'D 18 NOV 2004

PC WPO PCT

10/561074

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

		Date of mailing (day/month/year)	16 NOV 2004
Applicant's or agent's file reference		FOR FURTHER ACTION See paragraph 2 below	
International application No.	International filing date (day/month/year)	Priority date (day/month/year)	
PCT/US04/19971	21 June 2004 (21.06.2004)	19 June 2003 (19.06.2003)	
International Patent Classification (IPC) or both national classification and IPC			
IPC(7): A61B 5/00 and US Cl.: 600/300			
Applicant			
WAYNE STATE UNIVERSITY			

1. This opinion contains indications relating to the following items:

<input checked="" type="checkbox"/>	Box No. I	Basis of the opinion
<input type="checkbox"/>	Box No. II	Priority
<input type="checkbox"/>	Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
<input type="checkbox"/>	Box No. IV	Lack of unity of invention
<input checked="" type="checkbox"/>	Box No. V	Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
<input type="checkbox"/>	Box No. VI	Certain documents cited
<input type="checkbox"/>	Box No. VII	Certain defects in the international application
<input checked="" type="checkbox"/>	Box No. VIII	Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/ US Mail Stop PCT, Attn: ISA/US Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450 Facsimile No. (703) 305-3230	Authorized officer <i>For</i> Michael Astorino Telephone No. (703) 306-5648	<i>Sheila H. Veney</i> Paralegal Specialist Tech Center 3700
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WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/US04/19971

Box No. I Basis of this opinion

1. With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

This opinion has been established on the basis of a translation from the original language into the following language _____, which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).

2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:

a. type of material

a sequence listing

table(s) related to the sequence listing

b. format of material

in written format

in computer readable form

c. time of filing/furnishing

contained in international application as filed.

filed together with the international application in computer readable form.

furnished subsequently to this Authority for the purposes of search.

3. In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

4. Additional comments:

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WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/US04/19971

Box No. V Reasoned statement under Rule 43 bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)

Claims 1-10 YES
Claims NONE NO

Inventive step (IS)

Claims 1-10 YES
Claims NONE NO

Industrial applicability (IA)

Claims 1-10 YES
Claims NONE NO

2. Citations and explanations:

Claims 1-10 meet the criteria set out in PCT Article 33(2)-(4), because the prior art does not teach or fairly suggest a method of assisting a human expert in reducing predictable variations in the depth of anesthesia during the administration of a medical anesthesia drug to a patient, comprising the step of solving the equation as stated in claim 1. Also, in regards to claim 7, the prior art, including Kangas et al. fails to disclose a system for determining a predicted response to the administration of an anesthetic drug comprising three memories, a signal combiner, a limiter, and a virtual anesthesia monitor for producing an anesthesia value responsive to the combined anesthesia signal wherein the combined anesthesia signal combines the output signals of the three memories.

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Box No. VIII Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the questions whether the claims are fully supported by the description, are made:

Claims 1-6 are objected to under PCT Rule 66.2(a)(v) as lacking clarity under PCT Article 6 because claim 1 is indefinite for the following reason(s): Claim 1 recites a formula wherein the coefficients and variables are not defined. As such Claims 2-6 are objected to as being dependent on a claim lacking clarity.